

are more important for the future quality of medical service than the present problem of distribution, however urgent it may appear to be; and

4. That in conformity with this principle, since support by legislative appropriation inevitably favors political control and diminishes both the incentive and (through mounting taxation) the possibilities for private support, government should avoid any general extension of the policy of subsidizing medical institutions.

(Name)

(Address)

Date: _____

**Concerning need of caution before signing letters:
A communication from the executive officers of the
California Medical Association.**

CALIFORNIA MEDICAL ASSOCIATION

450 SUTTER STREET

San Francisco, November 12, 1937.

Special Bulletin

To State and County Society Officers:

A self-constituted and nonrepresentative group, designating themselves as a Committee of Physicians, with Dr. John P. Peters as secretary, is sending a printed statement of principles and proposals and a letter requesting State and County Society officers and County Societies to record endorsement of this movement that is not sanctioned or supported by the American Medical Association and its constituent State and County units.

It is recommended that you and your County Society defer action, ignore the request and await till the Council recommends policy and transmits advice and recommendations.

HOWARD MORROW, M.D.,

President.

MORTON R. GIBBONS, M.D.,

Chairman of the Council.

By F. C. WARNSHUIS, M.D.,

Secretary.

P. S. If you deem early action indicated, please first communicate with this office.

F. C. W.

Concerning clinical laboratory standards.

San Francisco, October 28, 1937.

To the Editor:—I am sending you copy of a questionnaire I have recently sent out to the hospitals and laboratories in this city.

This will doubtless be of interest to you.

Department of Public Health,
City and County of San Francisco.

Sincerely,

J. C. GEIGER, M.D., *Director.*

✓ ✓ ✓

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH

October 21, 1937.

Gentlemen:

May we have an early answer to the following questions?

1. Are you at present prepared to identify and classify pneumococci in sputum by the Neufeld reaction? The Neufeld reaction, as you know, is a method for rapid determination of the invading type of pneumococcus, and in the presence of antiserum specific for the type, the capsule of the pneumococcus becomes swollen and definite in outline. If so,

2. Do you routinely make complete classification into Types I to XXXII; or

3. Is the typing partial, including only the types for which therapeutic serum is available?

4. Could you make complete classification according to standard technique of the Neufeld method and keep records of such work for periodic summarization to determine type incidence?

5. Are you interested in having your technicians avail themselves of an opportunity to gain further experience in the typing technique and classification of pneumococci by the Neufeld method?

In sending out the above questionnaire, which we hope will receive your immediate attention, we want it understood that we are not attempting to suggest laboratory methods; we are interested in securing information regarding type incidence and in knowing that, so far as is possible, the methods for typing are complete and standardized in all laboratories serving the doctors in this city and their patients.

We are informed that recently a physician secured a report from a laboratory that the sputum from his patient contained "No pneumococci in Types I to VIII and therefore there was no need to give serum." Complete identification of the pneumococci in this patient's sputum revealed large numbers of Type IV, for which therapeutic serum is available.

Sincerely,

J. C. GEIGER, M.D.,
Director of Public Health.

MEDICAL JURISPRUDENCE[†]

By HARTLEY F. PEART, ESQ.

San Francisco

California Statutory Definition of Practice of Medicine

The only statutory definition of the practice of medicine and surgery in this State is found in Section 2141 of the Business and Professions Code. This section provides that any person (and as here used, person includes artificial entities, such as corporations) "who practices or attempts to practice, or who advertises, or holds himself out as practicing, any system or mode of treating the sick or afflicted in this State, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition of any person, . . ." is engaged in the practice of medicine and surgery. When a radiologist or roentgenologist takes a roentgenogram, studies it and submits his conclusion, is he practicing medicine within the foregoing statutory definition? From a common-sense viewpoint the answer necessarily would seem to be in the affirmative, but the vital question is what view has been taken by the courts when confronted with this problem.

Strange as it may seem, the assertion may safely be made that on the whole the common-sense viewpoint is usually the legal viewpoint. We may illustrate this statement by quoting from a leading case, *Runyan vs. Goodrum*, 228 S. W. 397, 13 A. L. R. 1402, on the subject of radiology. In the case just mentioned, the Court, after tracing the history of the development of the x-ray, stated: "We conclude, therefore, that because the science of roentgenology is so interrelated with the sciences of medicine and surgery in the diagnosis and treatment of human diseases, it should be classed in the same category with those sciences. And the x-ray specialist or roentgenologist must be placed in the same class with the physician and surgeon, because of the peculiar knowledge and technique that he must possess, and because in the practice of his profession such knowledge and technique are dedicated almost exclusively to the aid of the physician and surgeon in the diagnosis and treatment of diseases of the human body. The x-ray specialist or roentgenologist cannot be placed in the same class with the chauffeur or elevator operator, as contended by counsel for appellee, . . ."

The California courts when called upon to determine whether or not Section 2141 of the Business and Professions Code includes within its provisions the practice of roentgenology or radiology will no doubt reach a like conclusion.

[†] Editor's Note.—This department of CALIFORNIA AND WESTERN MEDICINE, containing copy submitted by Hartley F. Peart, Esq., will contain excerpts from and syllabi of recent decisions and analyses of legal points and procedures of interest to the profession.